

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KAREN HILL and DAVID HILL,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

Case No. 08-5202 BHS/KLS

ORDER GRANTING DEFENDANTS'  
MOTION TO STAY DISCOVERY

Before the Court is Defendants' motion to stay discovery pending the Court's resolution of Defendants' motion to dismiss. (Dkt. # 5). For the reasons stated below, the Court finds that the motion should be granted.

**PROCEDURAL BACKGROUND**

On April 2, 2008, Defendants removed Plaintiffs' First Amended Complaint, originally filed in Thurston County Superior Court. (Dkt. # 1). Plaintiffs are a married couple, who allege that they were denied equal protection under the Fourteenth Amendment when DOC rejected their application for Extended Family Visitation (EFV). *Id.*, p. 4. Presently pending before the Court is Defendants' motion to dismiss on grounds that Plaintiffs' claims cannot be granted because they do not have a constitutional right to EFVs and DOC Policy 590.100 is supported by a legitimate penological interest; that Plaintiffs' claims against the State and against the named Defendants in their official capacity must be dismissed under Eleventh Amendment immunity, and that Defendants are entitled to qualified immunity. (Dkt. # 5, p. 2).


**DISCUSSION**

The court has broad discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9<sup>th</sup> Cir. 1988). Upon showing of good cause, the court may deny or limit discovery. Fed. R. Civ. P. 26( c). A court may relieve a party of the burdens of discovery while a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9<sup>th</sup> Cir. 1989), amended at 906 F.2d 465 (9<sup>th</sup> Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9<sup>th</sup> Cir. 1984).

Given the early stages of this litigation, a stay is warranted while the Court determines the threshold issues of whether Plaintiffs have a constitutional right to EFVs and/or Defendants are entitled to immunity.

Accordingly, all discovery in this matter shall be **STAYED** pending further order of this Court.

DATED this 27th day of May, 2008.



Karen L. Strombom  
United States Magistrate Judge